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Subject: EOIR Case Law Bulletin (Week of June 20, 2017)
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**EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW**

Case Law Bulletin

Week of June 20, 2017

Supreme Court of the United States

[Maslenjak v. United States](#), No. 16-309, 2017 WL 2674154 (U.S. June 22, 2017) (**Naturalization**)

The Supreme Court vacated the Sixth Circuit's decision and remanded, holding that the Government "must establish that an illegal act by the defendant played some role in her acquisition of citizenship" in order to secure a conviction for unlawful procurement of citizenship or naturalization under 18 U.S.C. § 1425(a).

Second Circuit

[Harbin v. Sessions](#), No. 14-1433-AG, 2017 WL 2661590 (2d Cir. June 21, 2017) (**AggFel, Controlled Substance**)

The Second Circuit granted the PFR, vacated the Board's decision in part, and remanded, holding that the alien's conviction for criminal sale of a controlled substance under N.Y. Penal Law § 220.31 is categorically not a conviction for an aggravated felony since the state statute is overbroad and indivisible.

[Centurion v. Sessions](#), No. 15-516, 2017 WL 2661593 (2d Cir. June 21, 2017) (**Retroactivity**)

The Second Circuit granted the PFR, vacated the Board's order, and remanded for further proceedings. The court concluded that section 101(a)(13)(C)(v) of the Act attaches legal consequences to an alien's commission of an offense, and the statute cannot be applied to a crime committed prior to IIRIRA "without violating the presumption against retroactive legislation."

Eighth Circuit

[Edionseri v. Sessions](#), No. 16-3421, 2017 WL 2722465 (8th Cir. June 26, 2017) (**Asylum-UAUW**)

The Eighth Circuit denied the PFR, concluding that the alien had not shown that the Nigerian government was unable or unwilling to protect him from "supernatural forces."

Ninth Circuit

[Agonafer v. Sessions](#), No. 13-73122, 2017 WL 2698257 (9th Cir. June 23, 2017) (**CC**)

The Ninth Circuit granted the PFR and remanded proceedings, concluding that the Board had disregarded country conditions evidence in the alien's motion to reopen showing that the treatment of homosexuals had changed in Ethiopia since 2007.

[United States v. Strickland](#), No. 14-30168, 2017 WL 2723926 (9th Cir. June 26, 2017) (**ACCA-COV**)

The Ninth Circuit vacated the district court's sentencing decision and remanded, holding that the crime of third degree robbery under Or. Rev. Stat. § 164.395(1) is not a predicate offense under the force clause of the ACCA.

Eleventh Circuit

[Sciamarelli v. USCIS](#), No. 16-16733, 2017 WL 2615443 (11th Cir. June 16, 2017) (per curiam) (unpublished) (**Naturalization**)

The Eleventh Circuit denied the PFR, concluding that the USCIS had properly denied the appellant's application for naturalization because he did not qualify as an "immediate relative" of his stepfather when his stepfather naturalized and had not independently maintained continuous lawful status.